



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/28/19

U.S. Department of Justice

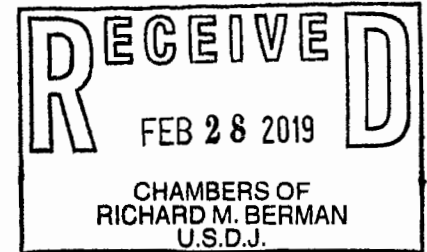
United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 28, 2019

BY HAND DELIVERY

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: **United States v. Richard Gaffey and Harald Joachim von der Goltz**
18 Cr. 693 (RMB)

Dear Judge Berman:

The Government respectfully requests that the Court sign the enclosed Revised Protective Order concerning certain discovery materials in the above-referenced matter, pursuant Rule 16(d)(1) of the Federal Rules of Criminal Procedure.

On January 8, 2019, the Court entered a Protective Order in this matter, which was signed by the Government and by defendant Richard Gaffey and his counsel. The enclosed Revised Protective Order has been signed by the Government, by defendant Gaffey and his counsel, and by defendant Harald Joachim von der Goltz and his counsel. The Revised Protective Order has been drafted due to the fact that von der Goltz recently consented to extradition from the United Kingdom, and is expected to arrive in the United States within the next two and a half months. In light of the fact that the parties expect von der Goltz to arrive here shortly, the Government intends to begin providing discovery to his counsel once the Revised Protective Order is fully executed.

Courts have routinely relied on Rule 16(d)(1) to limit discovery in situations where the disclosure of certain discovery beyond the defendant and his counsel could have harmful consequences. See *United States v. Aref*, 533 F.3d 72, 78 (2d Cir. 2008) (protective order for classified information); *United States v. Luchko*, 2007 WL 1651139, at *7 (E.D. Pa. Jun. 6, 2007) (protective order entered because of, among other reasons, the personal privacy interests of third parties). In this case, a large volume of the anticipated discovery materials contains personal identifying information, including tax record and other financial information. Accordingly, the Government believes that the enclosed Revised Protective Order, which is

narrowly-tailored to address these concerns, is appropriate.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Sarah Paul
Sarah E. Paul
Assistant United States Attorney
(212) 637-2326

Encl.

cc: William J. Lovett, Esq. (by email)
William Burck, Esq. (by email)